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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 08-00080-JF
12)
Plaintiff,)
13 v.) **STIPULATION TO CONTINUE**
Defendant.) **STATUS HEARING**
14 HECTOR HERNANDEZ-ORTIZ,)
15)
Defendant.)
16)

17 **STIPULATION**

18 Defendant and the government, through their respective counsel, hereby stipulate that,
19 subject to the court's approval, the status hearing in the above-captioned matter, presently
20 scheduled for April 16, 2008, at 9:00 a.m., may be continued to May 14, 2008 at 9:00 a.m. The
21 continuance is being requested as defense counsel to explore the feasibility of the Santa Clara
22 Public Defender's Office filing a motion to declare Mr. Hernandez-Ortiz prior 1995 conviction
23 for assault with a deadly weapon (not a gun) a misdemeanor under California Penal Code Section
24 17(b). Additional time is also needed for the defendant and his undersigned counsel to consult
25 regarding the Government's fast track offer should the 17(b) motion not be feasible or granted.

26 The parties further agree and stipulate that time should be excluded from and including

April 16, 2008 through and including May 14, 2008, to provide counsel reasonable time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

Dated: April 14, 2008

_____/S/_____
Manuel U. Araujo
Assistant Federal Public Defender

Dated: April 14, 2008

/S/ _____
Jeffrey B. Schenk,
Assistant United States Attorney